

REMARKS

Amendments:

Support for the amendments to the claims can be found in the application as originally filed. No new matter is added.

Fees:

Any necessary claim or other fees are to be charged to and any refunds credited to deposit account 26-0166.

Claims:

Claims 3 and 6 have been cancelled herein. Claims 1, 4, 5, 7 and 8 are amended herein. New claims 35 and 36 are added herein. Claims 2, 9-16, 25, 25 and 34 were previously cancelled. Claims 17 - 24 and 27 - 33 are withdrawn as indicated by the Examiner. Claims 1, 4, 5, 7, 8, 35 and 36 remain under examination.

Claim Objections:

Applicants have cancelled claim 3 to address the Examiner's objection.

Further, Applicants have made claim 7 and new claim 35 dependent on claim 1 as suggested by the Examiner. Applicants have further separated the species previously recited in claim 7 into bases (remaining in claim 7) and hydrochlorides (in new claim 35). Applicants have introduced new claim 36 to a pharmaceutical composition dependent on claim 5

Applicants respectfully suggest that the Examiner's objections are overcome by the amendments presented herein and request that the objections be withdrawn.

Claim rejections - 35 U.S.C. § 112, second paragraph:

The Examiner has rejected claims 1 and 3-8 as being indefinite because, the terms "heteroaryl" and "heterocyclic ring" required clarification. Applicants disagree. However, solely to advance examination and allowance of this application, Applicants have cancelled the objected-to language from the claim 1 and amended the claims follows:

- 1) in "R¹ and R² may together form a substituted 5 or 6 membered heterocyclic ring containing one or more heteroatoms independently selected from N, O, or S," Applicants have cancelled the objected-to language and inserted in place thereof, "1-pyrrolidinyl or 1-piperazinyl";
- 2) in "R⁴ a 5 or 6 membered heteroaromatic ring, 5 or 6 membered heterocyclic ring.... saturated or unsaturated" Applicants have cancelled the objected-to language and inserted in

place thereof, "1-imidazolyl, 1-imidazolidinyl, 4-morpholinyl, 1-oxopyrrolidinyl, 1-piperazinyl, 1-pyrrolinyl, 2-thienyl moiety".

Applicants have thus amended the objected-to language to recite the specific heterocyclic ring systems represented in the Examples of the specification.

The Examiner has rejected claim 4 as being indefinite for failing to point out and distinctly claim the invention. Applicants have amended claim 4 to depend upon claim 1, particularly to define R⁴ as 1-piperazinyl now defined in claim 1 and to define the optional substituent A as being C₁₋₆alkyl.

Accordingly, in view of the foregoing, Applicants believe the Examiner's rejection is overcome and respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Reservation of Rights:

Applicants expressly reserve the right to file one or more continuation applications directed to subject matter found in the application as originally filed that is not encompassed by the claims of this application.

Conclusion:

Applicants respectfully submit that the claims are now in condition for allowance and solicit prompt issuance of a Notice of Allowance.

Respectfully submitted,

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